

Exhibit 36

Exhibit 36

| Position | Name | Role in Investigation |
|--|------------------|---|
| Associate Director - IE | Emily Forsythe | Complainant |
| IE | Brittaney Scaggs | Witness ("tone" allegations) |
| Senior Manager - IE | Jim Lowe | Witness ("tone" allegations) |
| Associate Director - Site Leader CA3 | Michael McDole | Accused |
| Recruiter - Boston | Stella Karadimas | Witness (McDole Retaliation) |
| Associate Director - IE | Emily Forsythe | Complainant (Retaliation Claim Against K. McKnight) |
| Director - IE / Direct for Complainant | Korey McKnight | Accused (Retaliation claim from E. Forsythe) |
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Spreadsheet Title: Key Allegations

| | Key Allegations | Findings | Comments | Next Steps |
|---|---|-------------------------|--|--|
| 1 | On Accused touched complainant on the leg with his hand | Unsubstantiated | No witnesses or evidence | None |
| 2 | On Accused touched complainant on the leg with his leg | Unsubstantiated | No witnesses or evidence | None |
| 3 | On Accused touched complainant on the shirt near her breast | Unsubstantiated | No witnesses or evidence | None |
| 4 | On multiple occasions since date of hire until present, accused has sent emails that are unprofessional in tone | Partially Substantiated | Evidence supports that both accused and complainant communicate with each other in a tone not conducive to a productive and supportive environment | Recommend convo with accused, his leader, complainant, her leader and TM |
| 5 | On multiple occasions since date of hire until present, accused has spoken in an unprofessional tone toward complainant | Partially Substantiated | Evidence supports that both accused and complainant communicate with each other in a tone not conducive to a productive and supportive environment | Recommend convo with accused, his leader, complainant, her leader and TM |

| | Complainant Comment | TSF Question / Statement | Complainant Response | TSF Research / Comment |
|--------|--|---|-----------------------------|---|
| 29-Aug | matt whitey "absolutely amazing" - matt didn't know about these issues and has been wonderful | | | |
| 29-Aug | Never intended to share these notes but felt the need to keep them | | | |
| 29-Aug | worked with mike in the past - "I hired mike at Amazon" - felt embarrassed because she hired him. | | | |
| 29-Aug | First three months were good. 90 day review was thorough but at that point he began getting defensive (changed dynamic) | | | No 90 Day Review present in Workday |
| 29-Aug | A few months later asked to xfer teams. Interviewed for an L5 w/ Genaro. Genaro declined to move forward w/him. | | | |
| 29-Aug | In January working on a project in Perris - frequently would have "meltdown moments" and needed to be walked off the ledge (what can I do to help sort of convo) | Did you document any of these conversations in a recap email or an email to self? | No | No Records of Discussion in Workday |
| 29-Aug | | Were there any witnesses to this interaction? | No | |
| 29-Aug | One incident in Perris sitting across the table from one another and toward end sitting in chair moved close and put hand on thigh - became very uncomfortable and intimidated - scooted back and he didn't advance - acted like it didn't phase her. Came to agreement that tone of emails should change and mike agreed that he was happy with working relationship. | Did you ask him to step away or point out that he was too close? | No | |
| 29-Aug | | Were there any witnesses to this interaction? | No | |
| 29-Aug | A few weeks of good vibes. A causal hike after work and nothing transpired. | | | Accused described "hike" as "walk" |
| 29-Aug | In March he began to become unhappy again and was focused on tasks not assigned to him. Having another difficult conversation (in boston) and mike wanted to switch teams. Stayed in his chair and scooted and got really close and legs were touching - scooted back (didn't say anything). | Did you ask him to step away / scoot away or in any way suggest he was too close? | No, just scooted back | |
| 29-Aug | | Were there any witnesses to this interaction? | No | |
| 29-Aug | Next day reached out to Genaro due to L4 opening in ops. Genaro approved xfer (day after) Mike asked if they could spend time together after work (drinks or dinner) and said he would prefer to spend time together when they weren't on the same team. Agreed due to strained friendship/working relationship. | | | Accused indicated request to get drinks came from complainant |
| 29-Aug | Toward the end of the month mike canceled the dinner and said it was due to him having new work assigned to him. | | | |

Spreadsheet Title: Complainant Interview(s)

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| 29-Aug | In April transferred to Ops. Noticed now that he wasn't on the same team Mike started sending "aggressive" emails for things she wasn't responsible for answering (why aren't you doing these things). Not really Emily's responsibility and was also CC-ing his entire work group. Embarrassing her by including huge distro including L6+ | | | |
| 29-Aug | Working in Perris with a group and everyone else left the room and Mike asked to speak to Emily and Matt alone. Mike started complaining that Emily needed to "get out of building" - throwing under the bus in front of Matt. Matt asked Emily to leave the room because Matt felt the tone and conversation was inappropriate. She states Matt was "handling the situation the right way". - Never been in that position before and found it uncomfortable. | | | |
| 29-Aug | Emails continued for next several months. Jim Lowe has answers to the questions being asked but Mike was still making her look bad. Tried not to engage but feels Mike has a very aggressive nature. | | | |
| 29-Aug | Last month was eating at a table in front of TM office wearing a pokadot shirt. Mike staring at shirt. Mike reached out and touched buttons (w/out reasonable explanation). | Did you ask him why he did that or in any way try to discourage the contact | No | |
| | | Were there any witnesses to this interaction? | No | Area in question not in range of security camera |
| 29-Aug | Hey Mike I'm leaving, please address questions to Jim. Mike was acting as though everything was going well. Asked if had a boyfriend still (no). Asked if had any dating apps (answered no, casually). Asked wouldn't it be funny if we ended up together (yeah that would be funny - awkwardly). Let's hang out (no, maybe next time). | | | |
| 29-Aug | Emily left and emails started up again. | | | |
| 29-Aug | Last week in Perris - stressful week. Invited himself to a meeting and refused to leave. Jim pulled her aside and said Mike is actively trying to sabotage her. No interactions since. | | | Jim Lowe denies this accusation |
| 29-Aug | | Did you ever have a relationship with Mike McDole outside of a working relationship? | No | |
| 29-Aug | | Did Mike ever suggest he wanted to be in a relationship with you? | No | |
| 29-Aug | | When the inappropriate allegedly behavior began, you were Mike's Direct Supervisor? | Yes | |

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|--|--|--|---|--|
| 29-Aug | | Follow up - If you were his manager you had an obligation to report inappropriate behavior from a subordinate, why did you not report Mike? | I was embarrassed since I recruited him from Amazon | Initial email detailing incidents of inappropriate behavior includes request from complainant that the information not be forwarded beyond Matt W. |
| 4-Sep | | Emily emailed to state that the incident she initially reported as a hand on her shirt was actually a hand in between her breasts. TSF asked if there were any witnesses to the incident and Emily stated there were none. Emily did not have an explanation as to why she was altering the details of the allegation other than that she found it too "awkward/uncomfortable" to share on the phone. | | |
| POST INVESTIGATION RECAP / CONVOS | | | | |
| 16-Sep | | TSF shared that the allegations of inappropriate physical contact are found to be unsubstantiated. Emily asked if she was going to be forced to work with someone "who harassed her". TSF explained that the allegations were taken seriously and the investigation was thorough. TSF asked Emily if she had any additional witnesses or evidence to support her allegations. Emily indicated she did not. Emily stated that Mike McDole was a "creep" and that she didn't want to work with him. TSF explained that her request to limit interaction with Mike would be shared with his leader and hers but that TSF cannot guarantee zero interaction and is not in a position to instruct Mike to avoid her if he is performing his duties. | | |
| 17-Sep | | Email received from Emily Forsythe stating Korey was retaliating against her for filing a complaint against Mike. Emily indicates Korey told her he talked to HR about removing Emily from his team | | |

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| 19-Sep | | TSF informed Emily that comment from Korey could not be substantiated and therefor the allegation of retaliation was unsubstantiated. Emily indicated that she was unhappy with the findings and that she no longer wished to "be here" and wanted Wayfair to present her with a severance package. TSF explained that he was not in a position to approve severance but would share her desire to no longer be a part of the organization and her request for a package with appropriate leadership. Emily indicated she wanted to receive an "appropriate package". TSF inquired as to what was appropriate and Emily responded "present me with an offer and we'll go from there". | | |
| 23-Sep | | Following multiple attempts to contact by phone and email, TSF (per instruction from Marcy Axelrad and Candice Smith) sent acceptance of resignation email with standard severance agreement based on tenure and level to Emily. | | |

Spreadsheet Title: Witness Interviews

| | Name | Brittaney Skaggs Witness (Tone Accusation) Sept. 3, 2019 Google Meet | Jim Lowe Witness (Tone Accusation) Sept. 5, 2019 In Person - CA3 Conference Room | Michael McDole Accused Sept. 5, 2019 Phone | Stella Karadimas Witness (Retaliation accusation made by the accused) Sept. 5, 2019 Phone | Korey McKnight Second Accused (After Recap) Sept. 19, 2019 Phone |
|---|--|--|--|---|--|---|
| 1 | Can you tell me a little about what you've observed of how Emily Forsythe and Mike McDole communicate with each other? | It's pretty clear there is tension. BS moved to IE in feb and noticed that emily and mike did not "get along". BS has managed to work with both and get along with both considers both "friends". | There is clear animosity between the two, but JL has "no clue where it started". The tension is obvious, but can't really define who initiates it. Mike has stated in the past that he doesn't want her coming to his building but that he understands she has to be here when projects dictate it. JL remembers a few months ago a hearing mike say "oh, great, emily is coming" in a very sarcastic tone. JL als heard Emily comment that "Ops can't dictate changes" to her projects when voicing disagreement with project changes Mike asked to be made | | | |
| 2 | Emily stated you once made a comment to her about mike having a crush on her. Do you recall that | "Yes, it was a joke". | | | | |
| 3 | Can you elaborate | They argue like an "old married couple". I was kidding around with emily | | | | |
| 4 | Have you ever witnessed or do you have knowledge of any inappropriate behavior between them? | No. BS only ever seen them in the same place at the same time once. Believe they grew up in the same town and based on the tension BS wondered if they ever "dated or something" in the past, but never saw anything inappropriate from either of them toward the other (or toward anyone else). | No. I've never seen the two of them together | | | |
| 5 | What are your thoughts on the tension? Does one seem more responsible than the other to you? | "No". BS states she hears it from "both sides" when they are not getting along and finds both parties to be equally to blame. Neither appears to try to get along with the other. BS states she considers Emily to be a "micromanager" and feels that "rubbed mike the wrong way". | "I have no idea" | | | |
| 6 | Anything related to this issue or any others that you wish to share or discuss | "no". | "no, just that I know Emily used to interact with the previous site director a lot more, but doesn't with mike"- out of sequence 7-8 preceeded this question. TSF follow up question - Do you know why that is? "No" | | | |
| 7 | You said you've never seen them together in the same place at the same time - so you've never been in a meeting with just the two of them? | | "no" | | | |
| 8 | Did you ever see either of them refuse to leave a meeting when the two began to disagree or argue with one another | | "no" | | | |

Spreadsheet Title: Witness Interviews

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| 9 | Can you tell me a little about your interactions with Emily Forsythe? | | "I'm assuming this has to do with me asking her not to visit this building"? TSF Responds - "partially". MM states the two used to work together at Amazon. She recruited MM to work on her team in IE, but after a few months MM states he wanted to move off of her team due to micromanaging from Emily. | | |
| 10 | Had you had issues with her being a micro manager at Amazon? | | Not to the extend that MM experienced it at Wayfair. But MM was unhappy on her team so MM eventually asked to interview for a position with Ops. When MM was not selected for the L5 position in Perris, applied for an L4 lateral move for Lathrop (new site). Ended up getting the job and transferred in april off the IE team. TSF Note - when site leader opening at CA3 was available MM placed in role as L4 stretch to L5 assignment | | |
| 11 | So you moved off of her team, what have your interactions been like since then? | | She continues to be somewhat difficult. She doesn't always answer questions or provide details and information that a site leader should have related to projects her team is working on. | | |
| 12 | What sort of projects? | | IE projects, like racking moves - the mezzanine | | |
| 13 | Would it be unusual for a site leader to ask for the information / updates you're asking for? | | Not really. Especially if the site leader has a background in IE | | |
| 14 | Do you recall any instances of being alone with Emily, either while in Boston or here in Perris | | Both. We've had meetings together, sometimes with others, sometimes one on one. | | |
| 15 | Do you ever recall any meetings in Boston or here in Perris where you may have brushed against Emily or come in physical contact with her during or after meetings? | | "no" | | |
| 16 | Do you ever recall any occasions where your leg may have come in contact with hers while the two of you were together? | | "no" | | |
| 17 | Is it possible your leg could have ever touched hers while the two of you were seated next to each other at any time during your employ with Wayfair | | "Possible? I mean, I wear shorts all the time so maybe by accident but I don't remember it ever happening. I'm not sure we've ever actually sat close enough for that to happen" | | |
| 18 | So you've never positioned or repositioned yourself to be closer to Emily during a meeting or in a similar setting? | | "Not that I can recall" | | |
| 19 | Have you ever shared your screen or your laptop monitor with Emily? | | "Not that I can remember. I usually project anything I need to share on the monitor" TSF note - TSF clarified with MM that "monitor" refers to conference room tv/monitor | | |
| 20 | Do you recall during Emily's last visit to Perris having a one on one meeting with her? | | MM recalls meeting with Emily at a table in the open office space of CA3 | | |

Spreadsheet Title: Witness Interviews

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| 21 | Do you recall during that meeting reaching across the table and touching Emily's shirt? | | | "no" | | |
| 22 | Do you recall toucing her skin on or near her chest? | | | TSF note - MM shook head indicating no and exhaled indicating disbelief "is she saying I touched her?" TSF response - I need to know if you ever made physical contact with Emily as I've described - "Unbelievable. I can't believe she would say that. No. That never happened" | | |
| 23 | Have you ever had any physical contact with Emily that she indicted was unwanted, either by saying so or pulling away from you? | | | "no" | | |
| 24 | I know the two of you worked together previously, did you ever have any kind of relationship with Emily beyond the professional? | | | "no" | | |
| 25 | Has she ever flirted with you or given you any indication she was interested in anything beyond a professional relationship? | | | "No, but I might not know if she did. I'm sort of bad at that kind of thing". | | |
| 26 | Did you ever hang out with Emily outside of work? | | | For drinks. We went for a walk when she was here once. But nothing weird or unusual. | | |
| 27 | Who asked whom out for drinks? | | | "I think she did. When we were in boston. I think I asked her to go for a walk" | | |
| 28 | Did anything unusual or unprofessional transpire either time? | | | "no" | | |
| 29 | Do you recall ever asking Emily if she had a boyfriend or significant other? | | | "no" | | |
| 30 | Do you recall ever discussing dating apps with Emily? | | | "no" | | |
| 31 | Is there anything we've discussed you have questions about or anything you want to share that I didn't ask you about? | | | MM states he has "nothing to hide". MM also states he had convo with Recruiter Stella (Karamidimis). Stella told MM Emily contacted her trying to get MM's relocation money "taken back" because he didn't move fast enough. MM unsure of when convo happened between Emily and Stella but MM was told by Stella. | | |
| 32 | When did this happen | | | | "yes". Emily reached out and said she wanted to speak. So SK contacted my manager and asked how I should handle it. My manager said SK should set up a call with Emily | |
| 33 | Do you recall a converstion between yourself and Emily Forsythe regarding the relo money allocated to Mike McDole? Why would you contact your manager | | | | "Emily is a notoriously difficult stakeholder" She has a tenency to be argumentative and loud. | |
| 34 | when a stakeholder asked to speak to you? | | | | "no". She was asking if we could recall or reclaim Mike McDole's relo money because he hadn't moved yet. SK explained that Mike had not violated any of the terms of his relocation agreement and Emily said thank you and that was pretty much yet. | |
| 35 | Can you explaing what you mean by "difficult"? | | | | | |
| 36 | Did she argue with you or get loud with you? | | | | | |

Spreadsheet Title: Witness Interviews

37 Have you ever, at Wayfair or anywhere else, had a stakeholder request clawback of relocation for a departing, xfer associate?

38 Can you talk to me about your most recent 1:1 with Emily

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Did you tell Emily that you had been in touch with HR and were working to get her off of your team?

"No. I thought it was pretty strange" Emily further stated she had "other issues" with Mike, but did not elaborate with SK. SK states she told Emily an concerns with an ee should be directed to Talent Management

"To be honest it was terrible". Emily was defensive, argumentative and ended up "storming out" of the office

"absolutely not" KM told Emily that the two should speak to HR because "this wasn't working" **TSF Note - KM explains that the "this" he referred to was their working relationship was not working as Emily was being rude and unprofessional.** KM further explains he couldn't continue the conversation as Emily ended the meeting. KM states "trevor, I have never dealt with someone so difficult and so rude. There's just no reason for it".

| Date | Event | Detail |
|-----------|--|---|
| 8/3/2018 | Michael McDole Hired as an L4 in IE reporting to Emily Forsythe | |
| 4/1/2019 | Michael McDole transferred to Ops as L4 reporting to Genaro Bugarin | |
| 8/14/2019 | Emily emailed Matt Whitte asking him to address Mike McDole's "tone" in email communication he sent to the team. She attached notes that contained her allegations of sexually inappropriate conduct | Received while Matt was traveling to the EU for Wayfair business |
| 8/21/2019 | Matt Whitte forwarded the complaint and attached notes to Candice | |
| 8/21/2019 | Candice scheduled and held a call with Matt Whitte, Candice Smith, Korey McKnight and TSF | |
| 8/21/2019 | TSF reached out to Emily to schedule time to introduce and discuss her concerns | |
| 8/22/2019 | Emily responded to communication from TSF indicating she was on vacation and would not be able to speak until 8-29-19 | |
| 8/29/2019 | TSF call with Emily | |
| 9/3/2019 | TSF convo w/ witness Brittany Skaggs | Brittany substantiated that Mike and Emily did not get along, however did not substantiate Emily's claim that Mike was responsible for their strained working relationship. Brittany did substantiate that she once commented to Emily "I think he has a crush on you". Brittany states she meant the comment in jest as the two were bickering. Brittany stated she never saw any inappropriate conduct and had no reason to ever believe Mike conducted himself inappropriately. Brittany stated that Emily never discussed any inappropriate conduct and neither did Mike. |
| 9/4/2019 | Emily email to TSF regarding allegation of inappropriate touch | Emily emailed to state that the incident she initially reported as a hand on her shirt was actually a hand in between her breasts. TSF asked if there were any witnesses to the incident and Emily stated there were none. Emily did not have an explanation as to why she was altering the details of the allegation other than that she found it too "awkward/uncomfortable" to share on the phone. |
| 9/5/2019 | TSF interview with Jim Lowe | Jim stated he had observed that Emily and Mike did not get along. Jim hesitated to assign blame with either party but indicated it was apparent that their relationship was one that involved bickering and frequent disagreement. Jim stated he never witnessed Mike behave inappropriately or in a manner he would consider to be unprofessional. |

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| | | Mike denied any and all inappropriate behavior. Stated he has never dated Emily or expressed an interest in any relationship beyond that of being friendly colleagues. Mike acknowledged having had coffee with Emily at Copley and indicated there was a conversation with Emily while the two were in Boston that the two should grab lunch or drinks to discuss their pattern of not getting along or communicating well (this aligned with Emily's comment that Mike asked her out for a drink to discuss their working relationship, but differs in that Mike maintains the intention was to get along better and that the request was professional - he reiterated he did not then nor had he ever had or expressed an interest in having a personal or romantic relationship with Emily). Mike also shared that Emily had been told by Stella Karadimas that Emily wanted to retract his relocation funds. Stella found the request odd and partnered with her manager to resolve. Ultimately the timeline was explained to Emily and Mike was not in violation of his agreement to relocate. Stella stated that Emily appeared frustrated and told Stella she had "other issues" with Mike. Stella referred Emily to Talent Management in order to address whatever was meant by "other issues". This conversation between Stella and Emily happened on or about April 18, 2019 |
| 9/5/2019 | TSF interview with accused - Mike McDole | See details above confirming Mike's account of convo that was relayed by Stella to him. |
| 9/5/2019 | TSF convo w/ Recruiter Stela Karadimis | Inappropriate physical contact allegations unsubstantiated. Inappropriate / unprofessional tone partially substantiated - unable to attribute blame to complainant or accused. Recommend leadership (Matt/Korey and Vic) discuss with both the importance and expectation of professional communication moving forward |
| 9/6/2019 | TSF convo w/ Candice, Matt and Korey to discuss findings | IM Summit - Multiple attempts to connect with Emily to provide Investigation findings/recap. Scheduled time on 9/16/19 |
| 9/9/19-9/13/19 | 9/13/2019 Email from Matt Whittle to Candice indicating concerns regarding communication from Emily | TSF shared that the allegations of inappropriate physical contact are found to be unsubstantiated. Emily asked if she was going to be forced to work with someone "who harassed her". TSF explained that the allegations were taken seriously and the investigation was thorough. TSF asked Emily if she had any additional witnesses or evidence to support her allegations. Emily indicated she did not. Emily stated that Mike McDole was a "creep" and that she didn't want to work with him. TSF explained that her request to limit interaction with Mike would be shared with his leader and hers but that TSF cannot guarantee zero interaction and is not in a position to instruct Mike to avoid her if he is performing his duties. |
| 9/16/2019 | TSF convo w/ Emily Forsythe | Emily email to TSF indicating she is being retaliated against |
| 9/17/2019 | 9/18/2019 Email and cal between TSF and Candice | Emily stated that Korey McKnight told her during a meeting that he "already talked to HR" about "getting (her) off his team" |
| 9/19/2019 | TSF convo w/ Korey McKnight | Discussion about timeline for investigating allegation of retaliation and Korey's concerns about Emily's conduct |
| | | Korey denied ever telling Emily that he wanted her off his team. He stated that during a conversation with Emily about Emily not including Korey in emails and communication with others on his team and with vendors she became upset and raised her voice to him. Korey stated he did make the comment "This isn't working" and told her she can't conduct herself in such an unprofessional manner. |

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|-----------|--|--|
| | | TSF informed Emily that comment from Korey could not be substantiated and therefor the allegation of retaliation was unsubstantiated. Emily indicated that she was unhappy with the findings and that she no longer wished to "be here" and wanted Wayfair to present her with a severance package. TSF explained that he was not in a position to approve severance but would share her desire to no longer be a part of the organization and her request for a package with appropriate leadership |
| 9/19/2019 | TSF call to Emily | |
| 9/19/2019 | TSF scheduled call w/ Emily for 9/20 | |
| 9/19/2019 | Email from Emily to TSF stating she would be taking 9/20 off | Email states she was feeling extreme stress and would need the day off (also canceled meeting request TSF sent for 9/20) |
| 9/23/2019 | Email to Emily from TSF | Following several attempts to reach Emily she replied that she had retained representation and declined to communicate with TSF. |
| 9/23/2019 | TSF Email to Emily accepting resignation and offering 8 week severance | Following conversation on 9/23 and review of planned communication to Emily on 9/23, TSF sent sev doc to Emily as well as email informing her that her resignation was accepted. |